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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.

For: **BIOPSY ANCHOR DEVICE  
WITH CUTTER**

Serial No.: Not Assigned

Filed: December 28, 2001

Docket. No.: 9619-1191

) Examiner: Not Assigned  
)  
) Group Art Unit: Not Assigned  
)  
) Customer No.: 23422  
)

**REQUEST FOR FILING A CONTINUATION  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Express Mail Label No.: EF 401141456US  
Mailed on January 23, 2002

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/753,529, filed December 28, 2000, of Fred H. Burbank, Richard L. Quick, Martin V. Shabaz, Paul Lubock, and Michael L. Jones, for **BIOPSY ANCHOR DEVICE WITH CUTTER**, which is a continuation-in-part of application Serial Nos. 09/057,303, for **BREAST BIOPSY SYSTEM AND METHOD**, filed on April 8, 1998, now Patent No. 6,331,166, 09/146,185 for **METHODS AND APPARATUS FOR SECURING MEDICAL INSTRUMENTS TO DESIRED LOCATIONS IN A PATIENT'S BODY**, filed on September 1, 1998, 09/159,467 for **ELECTROSURGICAL BIOPSY DEVICE AND METHOD**, filed on September 23, 1998, now Patent No. 6,261,241, 09/238,965 for **TISSUE SPECIMEN DESTRUCTION DEVICE AND METHOD THEREOF**, filed on January 27, 1999, 09/356,187 for **ELECTROSURGICAL LESION LOCATION DEVICE**, filed on July 16, 1999, now Patent No. 6,312,429, and 09/477,255 for **APPARATUS AND METHOD FOR ACCESSING A BIOPSY SITE**, filed on January 4, 2000, all assigned to the assignee of the subject application, which are each hereby incorporated by reference in their entirety, and from each of which priority is claimed under 35 U.S.C. 120.

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1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/X/ the same as those named in the prior application.

/ / less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

/ / amendment below;

/X/ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	201				\$370
Independent Claims	202	5 - 3=	2 x	\$42=	\$ 84
Total Claims	203	30 -20=	10 x	\$ 9=	\$ 90

**Total Fees Due .....\$544**

4. Payment of Filing Fees:

/X/ Enclosed is a check in the amount of \$544.

/X/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 13-0201, referencing Docket No. 09619-1191. **A duplicate copy of this paper is attached.**

5. The prior application is assigned to SenoRx, Inc.

6. The power of attorney in the prior application is to: **Edward J. Lynch.**  
/X/ The power appears in the original papers in the prior application.  
/X/ An Associate Power of Attorney and Change of Correspondence Address  
was filed on January 17, 2002 (copy enclosed).

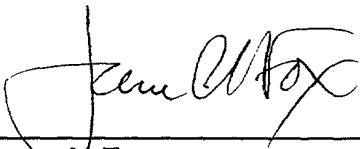
7. Please address all future correspondence to:

**Edward J. Lynch  
Coudert Brothers LLP  
600 Beach Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94109-1312**

8. Documents enclosed:

- /X/ Copy of prior complete application as filed (including the signed  
Declaration and Power of Attorney);  
/X/ Preliminary Amendment and Information Disclosure Statement;  
/X/ Copy of Form PTO-1449 filed in prior copending application;  
/X/ Return Receipt Postcard.

Respectfully submitted,

By:   
James A. Fox  
Registration No. 38,455

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